



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

APR 17 1998

Roger L. Goodman, D.D.S., P.C.  
200 Temple Street  
Mason, MI 48854-1837

Dear Dr. Goodman:

This is in further response to your letter and telephone conversations with members of my staff concerning whether you may ship your product, a Class 3-Packing Group II material, as "Consumer commodity, ORM-D" when packaged in accordance with 49 CFR 173.150(b). You state that the material is composed of about 89 percent alcohol, 10 percent water, and minute quantities of other materials. It is used to sterilize tables in dental offices. On January 13, 1998, my staff provided you with three related letters of interpretation on the consumer commodity exceptions in § 173.150.

The answer is yes. The quantity limitation for Class 3-Packing Group II materials is up to one liter per inside packaging. If the material is packaged to meet the limited quantity requirements in § 173.150(b)(2), you may reclassify the material as a consumer commodity as provided in § 173.150(c).

If we can assist you further, please contact us.

Sincerely,

*For* Hattie L. Mitchell, Chief  
Exemptions and Regulations Termination  
Office of Hazardous Materials Standards



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400 Seventh Street, S.W.  
Washington, D.C. 20590

FEB 14 1997

Mr. Rich Lore  
Hobbico Traffic  
2904 Research Road  
P.O. Box 9021  
Champaign, IL 61826

*a class 2 material, in packaging  
group II, may be shipped.*

Dear Mr. Lore:

*Make letter concerning*  
This is in response to your letter dated January 7, 1997, regarding whether you may ship your *product*  
model racing fuel as Consumer commodity, ORM-D if it is ~~packaged into half pint, pint, or~~ *packaged with*  
quart cans. The flash point provided on your material safety data sheet and the telephone  
conversation with Ms. Jodi George of my staff indicate that the material falls within packing  
group II. *you state that the material is composed of about*

*90% alcohol, 10% water and minute quantities of other materials*  
The answer is yes. The quantity limitation for packing group II materials is up to one liter per  
inside packaging. (49 CFR 173.150). If in addition to meeting the limited quantity  
requirements, you meet the §171.8 definition of a consumer commodity, you may reclassify the  
material as a consumer commodity as provided in §173.150 (c).

If you have further questions, please do not hesitate to contact us.

Sincerely,

*✓ in § 173.150(b)(2)*

*Delmer F. Billings*

Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards

*It is used to  
sterilize folders  
in dental  
offices.*



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

DEC 10 1996

400 Seventh Street, S.W.  
Washington, D.C. 20590

Ms. Phyllis M. Fisher  
Dentsply International  
Trubyte Division  
P.O. Box 872  
York, PA 17405-0872

Dear Ms. Fisher:

This is in response to your letters and telephone conversations with a member of my staff asking whether "Adhesive, 3, UN 1993, PG II" and "Methyl methacrylate monomer, inhibited, 3, UN 1247, PG II" may be renamed and reclassified "Consumer commodity, ORM-D." You stated the adhesive is sold in 2 oz. and 8 oz. packagings in hobby shops for gluing plastic. You also stated the monomer liquid is shipped to dental clinics and laboratories where, mixed with a powder by a dentist or trained technician, it is formed into an adhesive that holds artificial teeth to a finished denture. On October 29, 1996, we provided you with a copy of our response, dated March 24, 1992, to a similar inquiry from Mr. W. Donald Wilson of your company.

In general terms, a consumer commodity, as defined in 49 CFR 171.8, is a material that is packaged and distributed in a form intended or suitable for retail sale to consumers even if not specifically so intended and which may, in fact, be used in some other fashion. An adhesive packaged as a limited quantity, in accordance with § 173.150, that meets the definition of a consumer commodity may be transported as a consumer commodity. However, a consumer commodity does not include unusual, exotic, or industrial chemicals, such as those found in a chemical specialty store that are not suitable for consumer use. Therefore, if your flammable liquid monomer is suitable for retail sale to consumers, it qualifies for reclassification as an ORM-D material.

I trust this answers your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Hattie L. Mitchell, Chief  
Exemptions and Regulations Terminations  
Office of Hazardous Materials Standards

Roger L. Goodman, D.D.S., P.C.  
200 Temple Street  
Mason, Michigan 48854-1837  
September 19, 1997  
(517) 676-5200 FAX (517) 676-5442

Edmanson

173.150

file  
SC: 114, 585

U.S. DOT  
Research and Special Programs Administrator  
Edward Mazzullo, Director  
Office of Hazardous Material Standards- DHM-10  
400 Seventh Street S.W.  
Washington, D.C. 20590

Re: Letter of Certification that product can be shipped ORM-D Material (Consumer commodity)

1/12/98 98 Closed  
for file by Consumer  
Commodity

Dear Director Mazzullo,

I was advised by United Parcel to write your office, and get an opinion on a product that I want to ship to dentists for intended use in their offices. The product is also "suitable" for use at home, and for this reason I understand that it could be shipped ORM-D (Consumer commodity).

Formula as approved by Alcohol, Tobacco, and Firearms (ATF):

Ethyl Alcohol	72.38%
Isopropyl Alcohol	12.80%
Water	10.08%
Methyl Alcohol	3.62%
Acetone	0.79%
Formaldehyde	0.23%
Methyl Ethyl Ketone	0.10%
Total	100.00%

This alcohol solution is intended for use in a table-top sterilizer, called a Chemiclave®.

Boiling Pt.	172°F
Vapor Pressure	50.0 mmHg
Vapor Density (Air - 1)	1.59
Evaporation Rate (Butyl Acetate - 1)	2.7
Solubility in Water	100%
Flash Pt.	ASTM D93 72°F

According to 49 CFR 173.121 this alcohol product may be classified as Packing Group II. It will be shipped with inner packagings of 1.0 liter net capacity each, packed in strong outer packaging. Maximum weight 25 lbs and meets CFR 49 173.150 (b) requirements.

This alcohol product is packaged and distributed in a form intended for sale through a retail sales agency or instrumentality for consumption by dentists (and medical personnel) for the purposes of patient care. However, it is also "suitable" for sale through a retail agency or instrumentality for consumption by individuals for purposes of various household uses.

This alcohol product will be "cleared for marketing" by the Food and Drug Administration (FDA) and is considered a Class II medical device.

Please have Associate Administrator for Hazardous Materials Safety issue an opinion on ORM-D shipping of this product that presents a limited hazard during transportation.

THANKS

  
Roger L. Goodman

# TELEPHONIC CONVERSATION RECORD

<i>Specialist Placing Call:</i> Eileen Edmonson	<b>ROUTING</b>	
<i>Date of Call:</i> 1/12/98	<b>SYMBOL</b>	<b>INT</b>
<i>Person(s) Contacted:</i> Roger L. Goodman, DDS, PC		
<i>Their Organization:</i> 200 Temple Street, Mason, MI, 48854-1837, (517) 676-5200, Fax (517) 676-5442		
<i>Date of Incoming Letter:</i> 9/19/97		
<i>Specific Subject (including section #'s and key words):</i> Dr. Goodman wants to know if the alcohol-based sterilizer he's developed may be transported as a consumer commodity.		
<p><i>Summary:</i> Dr. Goodman said the material is a Class 3, Packing Group II liquid packaged in 1 liter inner packagings inside a strong outer package. He also said the completed package weighs 25 lbs., and meets the criteria in §§ 173.150(b)(2) and 171.8 for a limited quantity and consumer commodity, respectively. I explained to him that his packaging could be reclassified as a consumer commodity. I provided him three letters (Lore, Fisher, Semple) of interpretation by facsimile that supported my statement. He agreed that this was sufficient and the letter could be closed out. On 1/13/98, Dr. Goodman called back and asked that we respond to his letter with an adaptation of the 2/14/97 letter we sent Rich Lore.</p>		
<p><i>Comments for Further Action:</i> The letter was drafted on 1/16/97 and circulated for review.</p>		
<p><i>Specialist Signature:</i></p>		
<p><i>Date:</i> 1/16/98</p>		

\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO. 9433  
CONNECTION TEL 915176765442  
CONNECTION ID  
START TIME 01/13 12:28  
USAGE TIME 02'31  
PAGES 6  
RESULT OK

*These 3 letters sent to Goodman 1/13. eg*

*Rich Gore 2/14/97*

*Phyllis Fisher 12/10/96*

*W.D. Semple 9/4/96*

SEP 11 1996

Mr. W. D. Semple  
President  
Bingman Laboratories, Inc.  
15 Lysiloma Court  
Homosassa, FL 34446

Dear Mr. Semple:

This is in response to your letter dated July 9, 1996, requesting clarification on § 173.150 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding your product, a 70% isopropyl alcohol solution.

Based on the information provided in your letter, you are correct in your understanding of the use of the limited quantity and consumer commodity exceptions for Class 3 materials in § 173.150. Class 3 PG III materials may be packed in inner packagings of not over 5.0 L (1 gallon) net capacity each in strong outer packagings under the provisions of § 173.150(b)(3). Limited quantities of Class 3 materials are excepted from labeling requirements unless offered for transportation by aircraft, placarding, and specification packaging. The gross weight of the package may not exceed 66 pounds.

In addition, a limited quantity of Class 3 material which conforms to § 173.150(b) may be reclassified as a "ORM-D", and renamed "consumer commodity" if it meets the definition of a "consumer commodity" in § 171.8. An ORM-D material is also excepted from shipping paper requirements unless it meets the definition of a hazardous substance, hazardous waste, or a marine pollutant, or is offered for transportation by aircraft.

The proper shipping description for 5-gallon and 15-gallon shipments of 70% isopropyl alcohol solution is:

"Flammable liquid, nos (70% isopropyl alcohol), 3, UN1993, III"

I hope this satisfies your inquiry. If you need additional assistance, do not hesitate to contact us.

Sincerely,

/s/

Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials  
Standards

Boothe:at:DHM-11:68553:08/30/96

File: 173.150(b)(3), 173.120

SC: 385, 142



ROGER L. GOODMAN, D.D.S., p.c.  
Specialist in Orthodontics  
200 Temple Street  
Mason, Michigan 48854



U.S. DOT  
Research and Special Programs Administrator  
Edward Marzzulo, Director  
Office of Hazardous Materials Standards-DHM-10  
400 Seventh Street S.W.  
Washington, D.C. 20590

